

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

In re:	Chapter 13
Kathleen Rodriguez,	Case No. 17-22661-gmh
Debtor	

**STIPULATION ALLOWING WITHDRAWAL OF
MOTION TO DISMISS FILED ON JANUARY 22, 2018**

A Motion to Dismiss pursuant to 11 U.S.C. §1307(c)(6) was filed on January 22, 2018.

The undersigned parties hereby stipulate and show the Court the following:

WHEREAS, PROF-2013-S3 Legal Title Trust II, by U.S. Bank National Association, as Legal Title Trustee, its successors and/or assignees (hereinafter collectively, and at all times material hereto, the “movant”) is represented by its attorneys, Cummisford, Acevedo & Associates, LLC, the debtor, Kathleen Rodriguez, is represented by Bankruptcy Law Office of Richard A. Check S.C., and the Chapter 13 Trustee is Rebecca Garcia.

WHEREAS, the movant is the creditor on the mortgage loan for the debtor’s homestead property located at 3121 S 41st Street, Milwaukee, Wisconsin 53215.

WHEREAS, pursuant to the movant’s filed proof of claim, the pre-petition arrearage is \$24,977.99.

Drafted by:

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WHEREAS, the post-petition arrearage on the debtor's mortgage loan is \$9,868.10, which is itemized as follows:

Eleven (11) mortgage payments at \$897.10 each: (April 2017 through February 2018)	\$9,868.10
Less debtor's suspense balance:	<u>\$ (0.00)</u>
TOTAL POST-PETITION ARREARAGE:	<u>\$9,868.10</u>

NOW, THEREFORE, the parties agree as follows:

IT IS STIPULATED that the movant is allowed to withdraw the Motion to Dismiss filed on January 22, 2018.

IT IS FURTHER STIPULATED that the debtor shall amend the plan by March 9, 2018 to account for the total arrearage of \$34,846.09, which is the sum of the pre-petition arrearage and the post-petition arrearage listed previously.

IT IS FURTHER STIPULATED that the movant may file an Affidavit or Certificate of Default and Order Dismissing the case if the Debtor fails to comply with the deadline stated above. This deadline will be strictly enforced.

IT IS FURTHER STIPULATED that the withdrawal of the Motion to Dismiss is without prejudice to the movant filing another Motion for any further defaults.

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Dated this 22nd day of February, 2018.

Cummisford, Acevedo & Associates, LLC

By: 

~~Jaime Bowette #1070538~~
~~Michael Acevedo, #1022634~~
7071 S. 13th Street, Suite 100
Oak Creek, WI 53154
Attorney for the movant

**Bankruptcy Law Office
of Richard A. Check S.C.**

By: 

Richard A. Check, #1012204
757 North Broadway, Suite 401
Milwaukee, WI 53202
Attorney for Kathleen Rodriguez

Chapter 13 Trustee

Rebecca A
Quiroz

Digitally signed by Rebecca A
Quiroz
DN: cn=Rebecca A Quiroz, c=US,
o=Chapter 13 Trustee Oshkosh,
email=rebecca@ch13oshkosh.com
Date: 2018.02.22 14:30:18 -06'00'

By: _____

Rebecca Garcia
PO Box 3170
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